

OLC RECORD COPY

OLC-78-2924/2
31 August 1978

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MEMORANDUM FOR THE RECORD

SUBJECT: Meeting on Justice Appropriations Senate Report Language

1. A meeting was held at Department of Justice (DOJ) offices in order to discuss the possible affects of and available courses of action to influence language in the Senate report on the Justice Department appropriation bill (copy of relevant section of report attached).

2. In attendance at the meeting were, in addition to others:

Mrs. Patricia Wald, Chairperson, Assistant
Attorney General for Legislative Affairs, DOJ
Mr. James Hoobler, Chief Program Review and
Budget Staff, DOJ
Mr. Michael Wenk, Program Review and Budget
Staff, DOJ
Mr. Larry Hammond, Deputy Legal Counsel, DOJ
[redacted] Deputy Legislative Counsel, CIA
Assistant Legislative Counsel, CIA
Mr. Doug Colson, Legislative Affairs, FBI
Mr. Jim Nolan, Intelligence Division, FBI
Mr. O'Malley, Intelligence Division, FBI
Four representatives of the State Department

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3. In response to a question regarding the legal impact of the report language DOJ representatives stated that they would be in a position to advise the Attorney General that the report language made no change in current law and that its affect was nil. The recommendation, therefore, of Mr. Hammond's office was to do nothing, both based on the foregoing legal opinion and in light of the fact that his office and State representatives were in the process of writing new, mutually acceptable guidelines for visa procedures; an exercise which would speak directly to the long-standing argument over turf between State and Justice (i. e. FBI) vis-a-vis the denial of visas to and expulsion from the United States of legally excludable aliens.

AT 4. Ms. Wald and [] thereafter, with assistance from State explained that it was not only the "legal" problem with which we were concerned but rather the overriding political issue.

The spectre of a possible cut in next years Justice funds was, from the viewpoint of Justice, the most deleterious possible long term affect of Attorney General non-compliance with the Senate report mandate. CIA representatives explained the serious nature of probable Soviet retaliation for such actions on the part of the U.S. Government.

5. It was finally agreed that one representative each from the DOJ, State, FBI and possibly CIA would meet with Senators Ernest Hollings (D., S.C.) and Lowell Weicker (R., Conn.), the promoter and backer respectively of the report language, in order to discuss with them the views of the Executive Branch as well as the possible ramifications of such mandated action should the Congress insist that it be totally enforced. It was patently clear that FBI agreed to go only due to the pressure exerted upon them by Ms. Wald.

6. After the conclusion of the first meeting Messrs. [] were invited into Mr. Hoobler's office. Mr. Hoobler, backed by Mr. Wenk, explained that this provision was being pushed by the FBI, and, therefore, FBI unlike CIA, Justice and State, felt it to be desirable language and would, if possible, attempt to ensure its continued existence. Mr. Hoobler requested that CIA attend the meeting with the Senators so that any questions relating to affect on CIA could be answered by CIA rather than a surrogate Agency. The Legislative Counsel or his deputy will, therefore, attend the meeting and continue to pay close heed to developments relating to this issue.

[]
Assistant Legislative Counsel

Attachment

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OLC:MDC:sks:(31 August 78)

1978 appropriations to date \$208,450,000
 1979 budget estimate 233,012,000
 House approved for release 2004/08/30 : CIA-RDP81M00980R000600310004-8
 Committee recommendation 239,800,000
 * Excludes pending supplemental appropriation estimate of \$16,637,000.

The Committee recommends an appropriation of \$299,800,000, an increase of \$33,150,000 over the 1978 appropriations to date. The amount recommended is \$1,151,000 over the budget estimate and \$299,800,000 over the amount allowed by the House; and will support a total of permanent positions.

These funds will be used for administering and enforcing the laws of the United States relating to immigration, naturalization and alien registration. The Committee held several extensive executive sessions and as a result determined that far too many Soviet Bloc Intelligence Service personnel have been admitted entry into the United States. Therefore, the Committee directs that the Immigration and Naturalization Service under the guidance, control, and supervision of the Attorney General deny entry and enforce expulsion of hostile intelligence service personnel irrespective of visas issued by, or policies of, the Department of State.

The Committee has closely followed the efforts of the Service in its endeavors to become current with its workload. While the new machinery and procedures have indeed been helpful the basic problem is a shortage of personnel. The INS is currently authorized a staff of 10,071 permanent positions but erosion in the personnel compensation base over the years has left only enough to maintain an average staff of — positions. The Committee has included \$3,348,000 in the bill to reduce the lapse rate from — percent to — percent.

There has long been a need to improve service in the Carolinas which are presently served by the Norfolk and Atlanta district offices. The Committee has provided an additional 23 positions (that will be supplemented by 5 positions now assigned to Atlanta) and \$634,000 to establish a new district office at Charlotte, N.C.

The Committee supports the 902 additional positions requested in the budget but has to provide for them on a 50 percent lapse basis in order to stay within the amount proposed to be authorized for 1979. These additional positions are distributed as follows:

Inspections program	200
Border patrol program	293
Investigations program	155
Intelligence program	8
Training program	4
Records and data systems enhancement program	240
Program direction	3

The Committee has approved all of the funds associated with the additional positions except for the \$261,000 requested for the leasing of a third helicopter for the border patrol program.

The Committee expects next year's budget to include sufficient funds to maintain an average of 95 percent of the 10,997 permanent positions authorized.

BORDER PATROL

The Committee continues to be concerned with the spreading incidence of theft, burglary, and other criminal acts in the wake of the rising tide of illegal immigration across our Southwestern border. Security of person and property is becoming more and more problematical in many communities along the border. Anger and frustration are building and the situation is becoming increasingly volatile. Already there are signs of the potential for direct action and the likelihood of an untoward incident is growing.